

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

REC'D 17 FEB 2006

PCT PCT

To:

see form PCT/ISA/220

13/4 PT06

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/US2005/034177

International filing date (day/month/year)
23.09.2005

Priority date (day/month/year)
30.09.2004

International Patent Classification (IPC) or both national classification and IPC
G06F9/46

Applicant
CITRIX SYSTEMS, INC.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☒ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☐ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office
D-80298 Munich
Tel. +49 89 2399 - 0 Tx: 523656 epmu d
Fax: +49 89 2399 - 4465

Authorized Officer

Lo Turco, S

Telephone No. +49 89 2399-6969



**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US2005/034177

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US2005/034177

Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

- ☐ the entire international application,
- ☒ claims Nos. 1-84

because:

- ☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (*specify*):
- ☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 1-84 are so unclear that no meaningful opinion could be formed (*specify*):

see separate sheet

- ☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.
- ☐ no international search report has been established for the whole application or for said claims Nos.
- ☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:
 - the written form ☐ has not been furnished
 - ☐ does not comply with the standard
 - the computer readable form ☐ has not been furnished
 - ☐ does not comply with the standard
- ☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-*bis* of the Administrative Instructions.
- ☐ See separate sheet for further details

1. Document references

The following documents are referred to in this communication; the numbering will be adhered to in the rest of the procedure:

D1: WO 01/25894

D2: US 2003/0101292

2. Conciseness

2.1 The present application does not meet the requirements of Article 6 PCT, the reason therefor being that the present claims 1, 23, 53 and 71 have been drafted as separate independent claims, whereby claims 1 and 53 are method claims and claims 23 and 71 are system claims.

In fact, although these claims have been drafted as separate independent claims, they appear to relate effectively to the same subject-matter and to differ from each other only with regard to the definition of the subject-matter for which protection is sought and in respect of the terminology used for the features of that subject-matter. The aforementioned system claims therefore lack conciseness.

In order to overcome this objection, it would appear appropriate to file an amended set of claims defining the relevant subject-matter in terms of a single independent claim in each category followed by dependent claims covering features which are merely optional (Rule 6.4 PCT).

Moreover, the present application does not meet the requirements of Article 6 PCT, the reasons therefor being that the plurality of independent claims makes it difficult, if not impossible, to determine the matter for which protection is sought, and places an undue burden on others seeking to establish the extent of the protection.

2.2 Moreover, the present application does not meet the requirement of Article 6 PCT, the reason being that a lack of clarity of the claims as a whole arises, since the plurality of independent and dependent claims makes it difficult, if not impossible, to determine the matter for which protection is sought, and places an undue burden on others seeking to establish the extent of the protection. Hence, the claims as a whole do not meet the requirements of Article 6 PCT.

In order to overcome this objection, it would appear appropriate to amend the present set of claims in such a way to fulfill the requirement of Rule 6.1 (a) PCT. In addition, dependent claims should be grouped according to the independent claims they depend on (Rule 6.4 (c) PCT).

3. Clarity

The present application does not meet the requirements of Article 6 PCT, the reasons therefor being stated below.

3.1 The wordings of the steps (d) and (e) of independent claim 1 are unclear and leave the reader in doubt as to the meaning of the technical features to which they refer. Specifically, in step (d) it is not possible to doubtlessly understand which is "the identified instance of the resource" while in step (e) the same doubt occurs with "the resource located inside an environment on which the resource resides".

The same objection holds, mutatis mutandis, for the steps (g) and (h) of independent claim 53.

3.2 The subject-matter of independent claim 23 for which protection is sought is not clearly defined. From the wording of said claim, it is not possible to understand whether the subject-matter claimed is directed to a system ["A system for accessing isolated resources ..."], to a computer program ["... an application program executing ..."] or to a method ["... a first process identifying ... a second process ... a third process ..."]. Moreover, the terms "a resource", "a request for the resource" and "an association between ..." have no well-recognised technical meaning when comprised in an apparatus. This facts render uncertain the determination of the category of the claim and hence the assessment of the extent of the subject-matter intended to be claimed. It might be preferable to formulate a claim in the category "system" according to the scheme "A system for accessing resources ... comprising means adapted to perform the following method steps: method step A; method step B; etc.". Instead, a claim in the category "computer program product" would be better formulated according to the scheme "Computer-executable instructions that when executed on a computer workstation performs the following method steps: method step A; method step B; etc.".

3.3 The following terms and/or expressions are vague and unclear and leave the reader in doubt as to the meaning of the technical features to which they refer:

- "out-of-process" used for instance in dependent claim 4;
- "the CoCreateInstance COM API" used for instance in dependent claim 7, the reason therefor being that the technical features related to this API function are unknown;
- the same objection as in the preceding point holds for the dependent claims 8-12;
- "application isolation environment" and "launch environment" used for instance in dependent claims 16 and 18 respectively, the reason therefor being that such expressions do not belong to the standard terminology of the technical field;
- "... process executes inside/outside the environment" used for instance in dependent claims 24 and 25 respectively; and
- "receiving from the association" used for instance in dependent claims 27 and 28.

4. Non-establishment of Opinion (Item III)

When considering the extent of the above conciseness and clarity objections raised under the provision of Art. 6 PCT concerning the present set of claims, it is not considered feasible at the present stage of the procedure to give an opinion with regard to the requirements of Novelty, Inventive Step and Industrial Applicability as set out in Art. 33 (2), (3) and (4) PCT.

However, in order to give the applicant the possibility to amend the present set of claims with a view to the requirements of novelty, inventive step and industrial applicability as set out in the above mentioned articles, a brief summary of the prior art will follow.

According to the description, it appears that the present application is directed to a method for accessing resources provided by an operating system that allows the installation and execution of application programs that are incompatible with each other, and incompatible versions of the same application program, on a single computer. Furthermore, it allows the installation and execution on a multi-user computer of programs that were created for a single-user computer or were created without consideration for issues that arise when executing on a multi-user computer. This is accomplished by virtualizing user and application accesses to native resources, such as the file system, the registry database, system objects, window classes and window names, without modification of the application programs or the underlying operating system [see description page 3 lines 2-21].

Document D1, which is provisionally considered to represent the most relevant state of the art, discloses [see D1 from page 2 line 21 to page 3 line 10] a method for creating *virtual*

application templates for the purpose of propagating a single *application snapshot* into multiple, distinct images. According to this method, snapshot virtual templates allow multiple application instances to use the same fixed resource identifier by making the resource identifier virtual, privatizing it, and dynamically mapping it to a unique system resource identifier. When a snapshot is cloned from a virtual template, the common or shared data is used exactly as is, whereas the non-sharable data is either copied-on-write, multiplexed, virtualized, or customized-on-duplication. Snapshot virtual templating works by noting access to modified resources, fixed system IDs/keys and unique process-related identifies and automatically inserting a level of abstraction between these resources and the application.

Moreover, the prior art document D2, which is provisionally considered to be equivalent to document D1 as closest prior art, discloses [see D2 on page 1 paragraphs 2, 9, 10 and 17] a method for isolating applications executing on a multiprogrammed system from each other so as to avoid interference between the applications. This method can be used to gain control over execution of an application such that, where necessary, the application code can be manipulated such that illegal operations can be prevented before they occur without significant overhead. This can be accomplished by dynamically modifying the application code with a dynamic execution layer interface such that the application can self-check during execution.

Thus, it appears to this International Preliminary Examining Authority that the method known from document D1 proposes a solution to the problem of the present application which is equivalent to the solution indicated by the present application itself. Furthermore, the method of D1 seems to have the same technical advantages of the present application.

Equivalent comments can be made considering document D2.

5. Formal Objections

5.1 Should the applicant nevertheless regard some particular matter as inventive, an independent claim including such matter should be filed taking account of Rule 6.3(b) PCT. Present independent claims are not in the two-part form in accordance with Rule 6.3(b) PCT, which in the present case would be appropriate, with those features known in combination from the prior art (document D1 or D2) being placed in a preamble (Rule 6.3(b)(I) PCT) and with the remaining features being included in a characterising part (Rule 6.3(b)(ii) PCT).

5.2 Furthermore, the features of present independent claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT). Independent claims should therefore be redrafted accordingly. If, however, the applicant is of the opinion that the two-part form would be inappropriate, then reasons therefor should be provided in the letter of reply. In addition, the applicant should ensure that it is clear from the description which features of the claimed subject-matter are known from documents D1 or D2 (see the PCT Guidelines PCT/GL/3 III, 2.3a). The applicant should also indicate in the letter of reply the difference of the subject-matter of the new claim vis-à-vis the state of the art, preferably adopting a problem-solution approach, and the significance thereof.

5.3 Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the documents D1 and D2 is not mentioned in the description, nor are these documents identified therein.

5.4 The applicant is requested to file amendments by way of replacement pages in the manner stipulated by Rule 66.8(a) PCT. In particular, fair copies of the amendments should be filed preferably in triplicate.

5.5 Moreover, the applicant's attention is drawn to the fact that, as a consequence of Rule 66.8(a) PCT, the examiner is not permitted to carry out any amendments under the PCT procedure, however minor these may be.

5.6 Any statement hinting to subject-matter beyond the scope of the claims should be removed from the description [see for instance the application on page 114 last paragraph].